GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants — Allegation of Corruption against Sri Ariga Tharakanadh, 51 years, Slo Late. Venkata Subba Rao, Municipal Commissioner, Nagara Panchayath, Banaganapalle, Kurnool District — Trapped by A.C.B. Officials, Kurnool on 10-09-2014 — Sanction for Prosecution under Prevention of Corruption Act, 1988 — Accorded Orders — Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (VIG.I)DEPARTMENT

G.O.Ms.No.5 DATED:12.01.2016

ORDER:

Whereas, Sri Ariga Tharakanadh, 51 years, S/o Late Venkata Subba Rao, worked as the Municipal Commissioner, Nagara Panchayath, Banaganapalle, Kurnool District from 01-03-2014 to 10-09-2014. By the virtue of the post held by him, he falls under the category of public servants as defined under clause (c) of section 2 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988);

2. And whereas, brief facts of the case are that the defacto complainant Sri B.Mohammad Shakeer is a resident of Banaganapalli Town, Kurnool District and is working as Senior Assistant in the O/o Community Health Nutrition Cluster at Banganapalli. The complainant is physically handicapped (55%) due to Polio and studied upto B.Com. During 2006, he was joined as Junior Assstant in Medical & Health Department and during February 2010 he was promoted as Senior Assistant and transferred to CHNC, Banaganapalli. During 2008 his elder brother B.Mohammad Shabber Hussein married Kum M. Shafin, D/o M. Karimulla and M. Shahanaz Begum of Banaganapalli and after their marriage in the year 2012 his elder brother Sri B. Mohammad Shabber went to Saudi along with his wife and working as Civil Engineer in Saudi. His brother sent some amount to his in laws and inturn they sold some portion of the old own house site bearing No. 10-6 situated at Syndicate Bank Street, Banaganapalli to his elder brother. In August, 2011 the elder brother of the complainant came to India and requested the complainant to construct two small shop rooms in the said site by handing over Rs.2 lakhs and returned to Saudi. The complainant then met Sri A. Tarakanath, Banaganapalli Municipal Commissioner and Sri l.Shashikanth Building Inspector in connection with the construction of 2 shop rooms in the site. Sri Ariga Tharakanadh and I Shashikanth visited the site and informed the complainant to apply along with plan for building approval and in this connection the complainant approached his another elder brother Sri V. Shamsheer Hussein, License Surveyor, Banaganapalli Nagara Panchayat for preparation of the plan who informed that it is not possible to prepare plan as the site is only 50 sq. meters. Then the complainant engaged labour and constructed 2 rooms. In the first week of August, 2014, Sri Ariga Tharakanadh and I. Shashikanth came to the site and enquired him how he has constructed rooms without approved plan on that the complainant informed that there is no necessity for taking building plan approval as the Site is only 50 sq. meters and about existing G.O. Sri Ariga Tharakanadh then told "nuvvu naku rules chebutava?" and took away the construction implements present at the site with the support of I Shashikanth in his car. Though the complainant requested for the said implements to return they did not return the implements. Later, the complainant went to Nagara Panchayat Office and requested Sri Ariga Tharakanadh and l. Shashikanth to return of Implements for which both of them demanded Rs 8,000 to be paid to Sri Ariga Tharakanadh and Rs 7,000/- to be paid to I. Shashikanth as bribe and when the complainant pleaded his Inability to pay the bribe amount Sri Ariga Tharakanadh and I. Shashikanth informed that they would not return the construction

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implements. Under unavoidable circumstances on the next day the complainant paid Rs.8,000 to Sri Ariga Tharakanadh at his residence and Rs 7,000/- to I Shashikanth at his office and then they returned the construction implements When the complainant asked about the plan approval for the said two rooms Sri Ariga Tharakanadh and I. Shashlkanth informed him there is no need for getting plan approval to construct the room. There after some days his elder brother Shabber Hussein Informed the complainant that his in laws asked him to construct a new house in the remaining portion of the said Site and his brother requested him to construct a new house and gave Rs. 3 lakhs to the complainant during Ramzan festival. The complainant again prepared an application along with building plan and related documents met Sri Ariga Tharakanadh on which Sri Ariga Tharakanadh requested him to pay the prescribed challan amount for permission and accordingly on 4.09.2014 the complainant paid by way of challan an amount of Rs.11,104/- for development charges and an amount of Rs.7,559/- towards building license and went to Sri Ariga Tharakanadha. Sri Ariga Tharakanadh then demanded Rs.5,000/- as bribe and on that the complainant informed Sri Ariga Tharakanadh that he has already forced to pay Rs.15,000/- previously on which Sri Ariga Tharakanadh informed that this is the reason for demanding only Rs 5,000/- as bribe and further stated that if he do not pay the bribe amount he would not issue building permission to the complainant. Then the complainant met I.Shashlkanth in this connection and he told the same as informed by Sri Ariga Tharakanadh and demanded Rs.5,000/- as bribe and that they would share the same in between themselves. As there was no other go the complainant once again met Sri Ariga Tharakanadh who again reiterated his earlier demand of Rs.5,000/- and under unavoidable circumstances the complainant agreed to pay the bribe amount of Rs.5,000/- for which Sri Ariga Tharakanadh informed to pay the bribe amount to him within 2 or 3 days at his residence or at his office and if he is not available to pay the said amount to I. Shashikanth;

3. And whereas, the complainant was not willing to pay the demanded bribe amount and due to his physical incapacity he requested his cousin brother Sri M. Naseeruddin to write the complaint and on 8.9.2014 the complainant came to ACB office along with his cousin and gave a complaint against Sri Ariga Tharakanadh and I. Shashikanth to the Dy.Superintendent of Police, Anti-Corruption Bureau, Kurnool. On receipt of complaint the DSP, ACB at 5 PM gave the complaint to M.V Krishna Reddy, Inspector of Police, ACB, Kurnool for verification and after due verification on 10.09.2014 at 9 AM the DSP, ACB registered the complaint of the complainant as a case in Cr No. 9/RCT-KNL2014 Under section 7 of PC Act and propose to lay a trap against Sri Ariga Tharakanadh and Sashikanth;

4. And whereas, Sri Ariga Tharakanadh was trapped at his office on 10.9.14 when he demanded and accepted illegal gratification of Rs 5 000/- from the complainant. The complainant along with Sri M. Naseeruddin accompanying witness engaged auto and entered into the premises of the O/o the Municipal Commissioner and the auto was parked under the Neem tree in the premises. The auto driver went out leaving the auto. Sri M. Naseeruddin got down the auto and stood by the side of the auto while the complainant remained in the auto. In the meanwhile, Sri Ariga Tharakanadh on noticing the auto which the complainant frequently uses to come to the said office, Sri Ariga Tharakanadh came out of his office chamber and approached the complainant. The complainant reminded Sri Ariga Tharakanadh of his pending work for which Sri Ariga Tharakanadh enquired about the earlier demand on which the complainant paid Rs.5,000/- to Sri Ariga Tharakanadh and Sri Ariga Tharakanadh received the tainted currency with his right hand counted the same with both his hands and kept the tainted currency in his right side pant pocket. At that time Sri M. Naseeruddin accompanying witness was present beside the

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complainant. After receiving the tainted currency from the complainant, Sri Ariga Tharakanadh went inside the conference hall in his office by informing the complainant that his work will be completed soon. On receipt of Signal the trap party rushed into the office and the complainant informed the DSP that Sri Ariga Tharakanadh had received the bribe amount under the Neem tree in the compound of the O/o Sri Ariga Tharakanadh and later he went inside the conference hall. The DSP and trap party members entered the conference hall, and ascertained the identity of the 3 persons present there as Sri Ariga Tharakanadh I. Shashikanth a press reporter of Nenu Saitham Daily. In the meanwhile huge public gathered in the premises of the office and raised the slogans against Sri Ariga Tharakanadh and as such the DSP, ACB asked Sri Ariga Tharakanadh and I.Shashikanth to follow them into the chambers of Sri Ariga Tharakanadh for conducting chemical test. Sri Ariga Tharakanadh revolted and tried to forcibly enter into the bath room cum toilet situated in the south west corner of the office chamber with an intention to screen the evidence by washing his hands and throwing the bunch of tainted currency notes into the toilet pit. Sensing the same the Dy. Superintendent of Police, Anti-Corruption Bureau and his staff reacted and prevented Sri Ariga Tharakanadh from doing so for which Sri Ariga Tharakanadh resisted and wrestled out the Dy. Superintendent of Police and Anti-Corruption Bureau staff and obstructed them from performing the legitimate duties in the presence of mediators;

5. And whereas, then both the hand fingers of Sri Ariga Tharakanadh when tested in sodium carbonate solution, the solution turned in to pink colour. In the meanwhile suddenly I.Shashikanth ran out of the chambers towards the Anjaneya Swamy temple and immediately Sri I.Shashikanth was chased by Anti-Corruption Bureau officials, caught hold of him and brought back to the chamber of Sri Ariga Tharakanadh. When the DSP questioned why he (Sri I.Shashikanth) ran away, Sri I.Shashikanth informed that he anticipated arrest so he tried to run away. When Sri Ariga Tharakanadh was questioned about the receipt of amount, Sri Ariga Tharakanadh produced the wad of currency notes picking up from his right side pant pocket. The contact portion of the right side pant pocket of Sri Ariga Tharakanadh when tested in sodium carbonate solution it also gave positive result. At the instance of Sri I.Shashikanth the file relating to the application of the complainant, copies of the challan etc, regular staff attendance was recovered;

6. And whereas, the said acts of Sri Ariga Tharakanadh, 51 yrs, S/o Late. Venkata Subba Rao, the Municipal Commissioner, Nagara Panchayath, Banaganapalle, Kurnool District constitute the offences punishable under section 7 and sub-section (2) of section 13 read with clause (d) of sub-section (1) of section 13 of the Prevention of Corruption Act, 1988 (Central Act. 49 of 1988) read with Sec.34 of Indian Penal Code and Under Section 353 Indian Penal Code;

7. And whereas, the Government of Andhra Pradesh, being competent authority to remove Sri Ariga Tharakanadh, 51 yrs, S/o Late .Venkata Subba Rao, worked as the Municipal Commissioner, Nagara Panchayath, Banaganapalle, Kurnool District from service, after carefully examining the material placed before them i.e copies of FIR, Mediators reports I & II and final investigation report in respect of the said allegations and having regard to the facts and circumstances of the case, considered that the said Sri Ariga Tharakanadh, 51 yrs, S/o Late .Venkata Subba Rao, worked as Municipal Commissioner, Nagara Panchayath, Banaganapalle, Kurnool District should be prosecuted in a court of law for the aforesaid offences;

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8. Now, therefore, in exercise of the powers conferred under clause (b) of sub-section (1) of section 19 of the Prevention of Corruption Act,1988 (Central Act. 49 of 1988) read with Under section 197 Code of Criminal Procedure-1973, the Government of Andhra Pradesh hereby accord sanction for the prosecution of the said Sri Ariga Tharakanadh, 51 yrs, S/o Late .Venkata Subba Rao, worked as the Municipal Commissioner, Nagara Panchayath, Banaganapalle, Kurnool District for the above said offence punishable under sections 7 and sub-section (2) of section 13 read with clause (d) of sub-section (1) of section 13 of the Prevention of Corruption Act-1988 (Central Act 49 of 1988) read with Sec. 34 Indian Penal Code and Under section 353 India Penal Code and for any other cognate offence punishable under any other provisions of law for the time being in force in respect of the afore said acts and for taking cognizance of the offence by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General,
Anti-Corruption Bureau,
A.P., Hyderabad.
Sc/Sf.

//FORWARDED BY ORDER//

SECTION OFFICER